

Chapter 21A.44
DECISION CRITERIA

5364 SECTION 222. Ordinance 10870, Section 624, as amended, and K.C.C.

5365 21A.44.030 are each hereby amended to read as follows:

5366 **Variance.** A variance shall be granted by the county, only if the applicant
5367 demonstrates all of the following:

5368 A. The strict enforcement of ~~((the provisions of))~~ this title creates an
5369 unnecessary hardship to the property owner;

5370 B. The variance is necessary because of the unique size, shape,
5371 topography, or location of the subject property;

5372 C. The subject property is deprived, by ~~((provisions of))~~ this title, of
5373 rights and privileges enjoyed by other properties in the vicinity and under an
5374 identical zone;

5375 D. The variance does not create health and safety hazards, is not
5376 materially detrimental to the public welfare or is not unduly injurious to property
5377 or improvements in the vicinity;

5378 E. The variance does not relieve an applicant from any of the procedural
5379 provisions of this title;

5380 F. The variance does not relieve an applicant from any standard or
5381 provision that specifically states that no variance from ~~((such))~~ that standard or
5382 provision is permitted;

5383 G. The variance does not relieve an applicant from conditions established
5384 during prior permit review or ~~((from provisions enacted pursuant to K.C.C.~~
5385 ~~21A.28.030, Property Specific Development Standards))~~;

5386 H. The variance does not allow establishment of a use that is not
5387 otherwise permitted in the zone in which the proposal is located;

5388 I. The variance does not allow the creation of lots or densities that exceed
5389 the base residential density for the zone by more than ~~((10))~~ ten percent;

5390 J. The variance is the minimum necessary to grant relief to the applicant;

5391 K. The variance from setback or height requirements does not infringe
5392 upon or interfere with easement or covenant rights or responsibilities; ~~((and))~~

5393 L. The variance does not relieve an applicant from ~~((any provisions of))~~
5394 compliance with K.C.C. chapter 21A.24, ((Sensitive))Critical Areas, ((except for
5395 the required buffer widths and building setbacks set forth in K.C.C. 21A.24.200,
5396 21A.24.280, 21A.24.310, or 21A.24)).

5397 M. Within a special district overlay, the variance does not:

5398 1. Modify, waive or define uses;

5399 2. Waive requirements for special studies or reports; or

5400 3. Reduce vegetation retention standards by more than a total of ten
5401 percent.